

### SUPPORT FOR THE AMENDMENT

This Amendment amends the specification to correct typographical errors; amends Claims 1, 17, 20 and 32; and adds new Claims 33-35. Support for the amendments is found in the specification and claims as originally filed. In particular, support for the amendments is found in original Claims 1, 17 and 20 and in Figs. 1-2. No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 1-35 will be pending in this application. Claims 1, 17, 20 and 31-32 are independent.

### REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

Applicants thank the Examiner for the courtesies extended to their representative during the February 10, 2004, personal interview.

As discussed at the interview, the present invention provides a fixing for supporting a fire-resistant composite glazing comprising a main glazed element and an additional pane. The fixing includes a safety/retaining element configured to permit the additional pane to be disposed in a first position proximate the glazed element and a second supported position different from the first position and spaced from the first position.

Claims 1-7, 11-13 and 15-19 are rejected under 35 U.S.C. § 102(b) over EP 0595062 ("EP-062"). In addition, Claims 8-9, 11 and 13-14 are rejected under 35 U.S.C. § 103(a) over EP-062 in view of EP 0528781 ("EP-781"). Claim 10 is rejected under 35 U.S.C. § 103(a) over EP-062 in view of U.S. Patent No. 5,588,421 ("Busch").

EP-062 discloses two individual glass panes connected to one another via an intermediate thermoplastic layer, where one of the glass panes is provided with a blind bore

which receives a screw for securing the two panes to a support structure. See, e.g., EP-062 at abstract; Fig. 3.

However, in EP-062 the glass panes are disposed in only one position relative to each other. EP-062 fails to suggest the limitation of independent Claims 1 and 17 of a retaining/safety element "configured and dimensioned to permit the additional pane to be disposed in a first position proximate the ...[glazed/at least one glass] ... element and a second supported position different than the first position and spaced from the first position".

EP-781 and Busch fail to remedy the deficiencies of EP-062.

Because the cited prior art fails to suggest all the limitations of independent Claims 1 and 17, the prior art rejections should be withdrawn.

The drawings were objected to because assertedly "the specification details that the safety element (42) is in the form (sic) of a screw; however, the drawing figures appear to depict the safety element (42) as a plate member". Office Action at page 2, section 1, lines 1-3. Applicants respectfully traverse the objection. The specification does disclose that the safety element can be produced in the form of a screw.

The connections between the clamping screw 4, the spacing washer 41 and the safety element 42, for example, may be made by welding, so that as the screw is screwed in, the safety element 42 is simultaneously installed. The safety element 42 *here* is **produced in the form of a screw** of a diameter greater than the diameter of the round opening 11, so that the additional pane 8 is retained if the adhesive film 9 fails. Specification at page 8, lines 8-12.

However, the specification also discloses that the safety element can be in a variety of forms other than a screw.

In the case of a bore by way of an opening in the additional pane, the safety elements are made appropriately of *toric seals*, *disks* or *ring segments* or *disk segments* with an outside diameter or perimeter in excess of the diameter of the bore. It is also possible to envisage safety elements in the form of *lugs* or *hooks*. In another embodiment, the safety elements may be *cables* or *rods*, for example made of steel, which extend between two or more point supports. Specification at page 6, lines 8-13.

Because the specification discloses that the safety element can take a variety of forms, and the drawings depict one of those forms, the objection to the drawings should be withdrawn.

Applicants thank the Examiner for the indication during the February 10, 2004, personal interview that the objection to the drawings will be withdrawn.

The specification is objected to as failing to provide support for the Claim 13 recitation "spacing frame". Applicants respectfully traverse the objection because the specification discloses a "spacing frame" at page 4, line 7.

Claims 20-32 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Office Action asserts:

The claims detail that the safety/retaining element allows the additional pane to be disposed in first proximal position and a supported position spaced from the first position. It is not clear how this is accomplished. Office Action at page 2, section 4, lines 4-6.

Applicants respectfully traverse the rejection. The specification at Figs. 1-2 illustrates how additional pane 8 can be disposed in a first position proximate to glazed element 6 using adhesive film 9 and in a second position, supported by retaining/safety element 42, spaced a distance Z from glazed element 6. Because the specification enables the claims, the rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, because assertedly there is insufficient antecedent basis for the Claim 3, line 1, recitation "the first position".

Applicants respectfully traverse the rejection, because line 8 of Claim 1 (as currently amended) recites "a first position".

Applicants respectfully request that the Examiner acknowledge Applicants' claim to foreign priority. As indicated on the attached date-stamped filing receipt, the certified copy of the priority document was filed on May 20, 2002.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Attachment: Date-stamped filing receipt

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